

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHERYL BROWN

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC.

Defendant.

Civil Action No. _____

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (“FDCPA”).

2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt.

3. Defendant is subject to strict liability for sending a collection letter that exposes personal identifying information visible through the envelope placed into the mails.

II. JURISDICTION

4. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §§1331 and 1337.

5. Venue is proper as defendant regularly does business in this district and has caused harm in this district.

III. PARTIES

6. Plaintiff, Cheryl Brown (“Plaintiff” or “Brown”) is a natural person who resides at 5909 Osage Avenue, Philadelphia, PA 19143 and is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

7. Plaintiff allegedly incurred a financial obligation that was primarily for personal, family or household purposes, and is therefore a “debt” as that term is defined by 15 U.S.C. §1692a(5).

8. Defendant, NCO Financial Systems, Inc. (“Defendant” or “NCO”) is, upon information and belief, a for-profit corporation existing pursuant to the laws of the Commonwealth of Pennsylvania with a principal place of business located at 507 Prudential Road, Horsham, PA 19044.

9. Defendant regularly engages in the collection of consumer debts using the mails and telephone.

10. Defendant regularly attempts to collect consumer debts alleged to be due another.

11. Defendant is a consumer debt collector as defined under 15 U.S.C. §1692(a)(6) of the FDCPA and sought to collect a consumer debt from Plaintiff.

IV. STATEMENT OF CLAIM

12. On or about December 31, 2014, Defendant NCO mailed a collection notice to Plaintiff in an attempt to collect a consumer debt alleged due. A copy of the December 31, 2014, letter is attached hereto as Exhibit A (redacted in part per Fed. R. Civ. P. 5.2).

13. The alleged debt at issue arose out of transactions, which were primarily for personal, family, or household purposes and was thus a consumer debt.

14. The collection letter was mailed by NCO to Plaintiff in a window envelope.

15. Visible through the glassine window of the envelope placed into the mails was a bar code which when read or scanned, reveals the account number that Defendant assigned to Plaintiff and her account.

16. The account number (ending in 8915) constitutes personal identifying information.

17. The bar code visible through the window could be easily scanned by anyone with a smartphone, as scanning applications are readily available to the public for free.

18. The FDCPA prohibits the use of unfair or unconscionable means to collect or attempt to collect a debt, including the use of any language or symbol other than the debt collector's name and address on any envelope when communicating with a consumer by mail. 15 U.S.C. Section 1692f(8).

19. The account number is a piece of information capable of identifying Brown as a debtor, and its disclosure has the potential to cause harm to a consumer that the FDCPA was enacted to address.

20. The disclosure of an account number implicates privacy concerns under the FDCPA, 15 U.S.C. Section 1692(a).

21. The disclosure of Plaintiff's account number on the face of the envelope violated Section 1692(f)(8). See Douglass, et al. v. Convergent Outsourcing, 765 F.3d 299 (3rd Cir. 2014).

COUNT I
(FAIR DEBT COLLECTION PRACTICES ACT)

22. Plaintiff incorporates by reference paragraphs 1 through 21 of this Complaint as fully set forth herein.

23. Defendant's acts described above violated the Fair Debt Collection Practices Act by displaying personal identifying information on the envelope addressed to Plaintiff that Defendant placed into the mails. 15 U.S.C. §§ 1692f, 1692f(8).

24. As a direct and proximate result of Defendant's illegal collection efforts and communications, Plaintiff has suffered mental anguish, emotional distress, anger, anxiety, and frustration, fear, embarrassment and humiliation.

25. As a direct and proximate result of Defendant's illegal collection efforts, Plaintiff has suffered damages in the form of attorney's fees, costs and expenses.

WHEREFORE, Plaintiff, Cheryl Brown prays that judgment be entered against Defendant NCO Financial Systems, Inc. for the following:

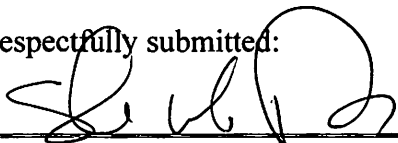
- (a) Actual Damages;
- (b) Statutory Damages;
- (c) Attorney's fees and costs; and
- (d) Such other and further relief that the Court deems just and proper.

V. JURY DEMAND

Pursuant to Fed.R.Civ.P. 38, Plaintiff demands trial by jury as to all issues so triable.

Date: 07/19/2015

Respectfully submitted:



STEPHEN M. DUNNE

Attorney ID# 208838

Attorney for Plaintiff

Dunne Law Offices, P.C.

1515 Market Street, Suite. 1200

Philadelphia, PA 19102

Phone: (215) 551-7109

Fax: (215) 525-9721

Email: stephen@dunnelawoffices.com

EXHIBIT A

PO BOX 1020
DEPT 806
HORSHAM, PA 19044

NCO FINANCIAL SYSTEMS, INC.

4740 Baxter Road
Virginia Beach, VA 23462

877-278-5297
OFFICE HOURS(ET):
8:00AM-10:00PM Monday thru Friday
8:00AM-5:00PM Saturday
10:30AM-7:30PM Sunday
Dec 31, 2014

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CHERYL BROWN
PHILADELPHIA
5909 OSAGE AVE
PHILADELPHIA, PA 19143

8915
CREDITOR:
Synchrony Bank
ACCOUNT #: 865
REGARDING:
Old Navy Visa ® Card Account
TOTAL BALANCE:

The named creditor has placed the above account with our office for collection. Please enclose your check or money order. If you need to speak to a representative, you may call us at 877-278-5297.

You may also make payment by visiting eservice.oldnavy.com.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office, in writing, within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Calls to or from this company may be monitored or recorded for quality assurance.

account balance may be periodically increased due to the addition of accrued interest or other charges as provided in your agreement with the original creditor or as otherwise provided by state law.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

Account #	Total Balance
865	

CHERYL BROWN

Payment Amount

\$

Check here if your address or phone number has changed and provide the new information below.

Make Payment To:

Synchrony Bank/Old Navy
PO Box 960017
Orlando, FL 32896-0017

NCOP P
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PAP-301-A-0

